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| 10/526,725 | 01/26/2006 | Tsuneo Nakata | U1927.0015 | 1110 |
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| DICKSTEIN SHAPIRO LLP | | | LAM, DUNG LE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--------------------------------------|
| Office Action Summary | Application No. 10/526,725 | Applicant(s) NAKATA ET AL. |
| | Examiner DUNG LAM | Art Unit 2617 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 June 2010.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-110 is/are pending in the application.

4a) Of the above claim(s) 5-26,31-47,49,51-69,71-89 and 91 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4,27-30,48,50,70,90 and 92 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 70, 72, 90 and 92 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not disclose "computer-readable medium" to perform the functions as described in the amended claims 70, 72, 90 and 92.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 70, 72, 90 and 92 are rejected under 35 U.S.C. 101 because

These claims are directing toward a "computer-readable medium". However, the specification does not have any specific definition of what a "computer-readable medium" nor does it exclude the possibility that a medium maybe a carrier wave. Thus

the examiner must give the broadest reasonable that the medium reads on a carrier wave which is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 1-4, 27-30, 48, 50, 70, 72, 90, 92 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over **et APA** (US 2006/0182128; Admitted PriorArt) in view of **Tari** (US Pub. No. 20030016636).

3. Regarding claim 1, APA teaches a data communication system comprising a home agent, a correspondent node capable of communicating with the home agent, a mobile router, and a mobile network node capable of communicating with the mobile router, the mobile router comprising:

- a plurality of communication means of a communication service containing a same or different types of services [0014];
- and a transferring means which receives a packet from the mobile network node to the correspondent node, selects usable communication means based on information of the control table, and transfers the packet to the home agent ([0014-0015]),

- the home agent comprising ([0005]):
- means for identifying the address assigned to the usable communication means of the mobile router ([0005]);
- a control table which stores the identified address and route information of the address, such that the address and the route information are associated with each other ([0005])
- and transferring means which receives a packet from the correspondent node addressed to the mobile network node, selects an address based on information of the control table, and transfers the packet to the address, wherein a logical line, through which the mobile network node and the correspondent node communicate with each other, is configured by combining lines of the plurality of communication means ([0010]).

However, APA does not explicitly teach a control table which stores an address assigned to the communication means and route information of the communication means, such that the address and the route information are associated with each other. In an analogous art, **Tari** teaches said missing limitation ([93,102]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine APA's teaching with Tari's teaching of the control table to conveniently route the communications to the proper destination.

4. Regarding claim 2, APA teaches a data communication system comprising a home agent and a mobile router, the mobile router comprising:

- a plurality of communication means of a communication service containing a same or different types of services [0014];
- and a transferring means which receives a packet from the mobile network node to the correspondent node, selects usable communication means based on information of the control table, and transfers the packet to the home agent ([0014-0015]),
- the home agent comprising ([0005]):
- means for identifying the address assigned to the usable communication means of the mobile router ([0005]);
- a control table which stores the identified address and route information of the address, such that the address and the route information are associated with each other ([0005])
- and transferring means which receives a packet from the correspondent node addressed to the mobile network node, selects an address based on information of the control table, and transfers the packet to the address, wherein a logical line, through which the mobile network node and the correspondent node communicate with each other, is configured by combining lines of the plurality of communication means ([0010]).

However, APA does not explicitly teach a control table which stores an address assigned to the communication means and route information of the communication means, such that the address and the route information are associated with each other. In an analogous art, **Tari** teaches said missing limitation ([93,102]). Therefore, it would

have been obvious for one of ordinary skill in the art at the time of the invention to combine APA's teaching with Tari's teaching of the control table to conveniently route the communications to the proper destination.

5. Regarding claim 3, teaches a data communication system comprising a home agent, a correspondent node capable of communicating with the home agent, a mobile router, and a mobile network node capable of communicating with the mobile router, the mobile router comprising:

 a plurality of communication means which communicate with the home agent [14];

 and means for receiving a packet from the mobile network node addressed to the correspondent node, selecting at least one of the communication means based on information of the control table, and transferring the packet to the home agent [10],

 the home agent comprising [05]:

 means for identifying an address assigned to usable communication means of the mobile router [5];

 a control table which stores route information containing the identified address; and means for receiving a packet from the correspondent node addressed to the mobile network node, selecting at least one address based on information of the control table, and transferring the packet to the address, wherein a logically multiplexed line, through which the mobile network and the correspondent node

communicate with each other, is configured by combining the plurality of communication means between the mobile router and the home agent ([10]).

However, APA does not explicitly teach a control table which stores an address assigned to the communication means and route information of the communication means, such that the address and the route information are associated with each other. In an analogous art, **Tari** teaches said missing limitation ([93,102]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine APA's teaching with Tari's teaching of the control table to conveniently route the communications to the proper destination.

6. Regarding claim 4, APA and Tari teach the data communication system according to claim 2, wherein the mobile router comprises:
 - means for detecting a change in connection status of the communication means currently in use ([0093,0102]);
 - and means for notifying the home agent of the change in connection status and an address assigned to the communication means, and the home agent comprises means for updating, based on the notification, information in the control table that manages an address of the communication means of the mobile router ([93,102]).
7. Regarding claim 27 and 28, they are subset of claim 1. Therefore, they are rejected for the same reasons as claim 1.

8. Regarding claim 29 and 30, they are program claims that correspond to claims 2 and 4. Therefore, they are rejected for the same reasons as claims 2 and 4 respectively.

9. Regarding claim 48 and 50, they are program claims that correspond to claims 2 and 4. Therefore, they are rejected for the same reasons as claims 2 and 4 respectively.

10. Regarding claim 70 and 72, they are program claims that correspond to claims 2 and 4. Therefore, they are rejected for the same reasons as claims 2 and 4 respectively.

11. Regarding claim 90 and 92, they are program claims that correspond to claims 2 and 4. Therefore, they are rejected for the same reasons as claims 2 and 4 respectively.

Response to Arguments

Applicant's arguments filed 6/25/10 have been fully considered but they are not persuasive.

Applicant argues that

"Independent claims 1-3, 27-29 and 70 are directed to communication that employs a mobile router that provides multiple communications interfaces with the home agent, as seen, for example, in Fig. 2 (312-315), and an (e.g., IP) address obtained by each communication interface is administered by a control table, for example as shown in Fig. 5. On the other hand, in the Tari reference, the interface at the side of the global network of the mobile router in the table of Tari's Fig. 7 is singular.

Tari does not teach or suggest the claimed feature having a table in which multiple IP addresses for holding a list of multiple lines are registrable, as shown for example in Fig. 5 of the present application, allowing for the performance of load dispersion to the multiple lines between the mobile router and the home agent. "

The examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a table in which multiple IP addresses for holding a list of multiple lines are registrable or allowing for the performance of load dispersion to the multiple lines between the mobile router and the home agent) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claims recite "a control table which stores the identified address and route information of the address, such that the address and the route information are associated with each other;" Thus all that is being required in the claim is that there is a control table which has an address that is associated with a route which is clearly well known in the art of routing a communication path and taught by Tari ([93,102]). However, nowhere in the claim recites a table in which multiple IP addresses for holding a list of multiple lines are registrable or allowing for the performance of load dispersion to the multiple lines between the mobile router and the home agent.

Applicant is invited to further define the claim to distinguish the claim from the prior art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG LAM whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617